

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2001-01500

**DATE OF DETERMINATION:** June 2, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:

At the project site Y Date: December 4, 2001  
(Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York

County: Rensselaer

Center coordinates of site by latitude & longitude coordinates: lat:42-34-54.8760 lon:73-41-15.7200

Approximate size of site/property (including uplands) in acres 37.31

Name of waterway or watershed: Unnamed tributary

| Type of Aquatic Resource <sup>1</sup> : | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear Feet | Unknown |
|---|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake                                    |        |        |        |         |          |          |         |             |         |
| River                                   |        |        |        |         |          |          |         |             |         |
| Stream                                  |        |        |        |         |          |          |         |             |         |
| Mudflat                                 |        |        |        |         |          |          |         |             |         |
| Sandflat                                |        |        |        |         |          |          |         |             |         |
| Wetlands                                | 0.33   |        |        |         |          |          |         |             |         |
| Slough                                  |        |        |        |         |          |          |         |             |         |
| Prairie Pothole                         |        |        |        |         |          |          |         |             |         |
| Wet Meadow                              |        |        |        |         |          |          |         |             |         |
| Playa Lake                              |        |        |        |         |          |          |         |             |         |
| Vernal Pool                             |        |        |        |         |          |          |         |             |         |
| Natural Pond                            |        |        |        |         |          |          |         |             |         |
| Other Water (identify type)             |        |        |        |         |          |          |         |             |         |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup>  | If Known |    | If Unknown<br>Use Best Professional Judgment |                       |                                |
|---|----------|----|--|-----------------------|--------------------------------|
|   | Yes      | No | Predicted to Occur                           | Not Expected to Occur | Not Able to Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  |          |    | X  |                       |                                |
| Is or would be used as habitat by other migratory birds that cross state lines? |          |    | X  |                       |                                |
| Is or would be used as habitat for endangered species?                          |          |    |  |                       | X                              |
| Is used to irrigate crops sold in interstate commerce?                          |          |    |  |                       | X                              |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R  
APPLICATION NO. 2001-01500

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 37.31

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM, PFO, PSS

Total acres of jurisdictional waters on site: 2.95

Position of jurisdictional waters in landscape and watershed:

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Comprised of mature deciduous forested uplands, secondary successional upland, and Palustrine emergent, forested, and scrub/shrub wetlands. Consists of primarily abandoned fallow land.

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1 (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM,PSS

Acres of this NJD aquatic resource within property: 0.22

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Depressional wetland that collects drainage from the surrounding upland. No discernable inlet or outlet was observed. The wetland is approximately 780 feet from a jurisdictional wetland.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel  
☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water #2 (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO,PSS

Acres of this NJD aquatic resource within property: 0.10

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Depressional wetland that collects drainage from the surrounding upland and the two adjacent road surfaces. No discernable inlet or outlet was observed. The wetland is approximately 540 feet from a jurisdictional wetland.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel  
☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water #3 (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.01

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Depressional wetland that collects drainage from the surrounding upland. No discernable inlet or outlet was observed. The wetland is approximately 510 feet from a jurisdictional wetland.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel  
☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2003-01365

**DATE OF DETERMINATION:** June 7, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:

At the project site Y Date: August 31, 2004  
(Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York

County: Dutchess

Center coordinates of site by latitude & longitude coordinates: lat:41-33-10.0080 lon:73-57-38.0160

Approximate size of site/property (including uplands) in acres 186.6

Name of waterway or watershed: Hudson River

| Type of Aquatic Resource <sup>1</sup> : | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear Feet | Unknown |
|---|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake                                    |        |        |        |         |          |          |         |             |         |
| River                                   |        |        |        |         |          |          |         |             |         |
| Stream                                  |        |        |        |         |          |          |         |             |         |
| Mudflat                                 |        |        |        |         |          |          |         |             |         |
| Sandflat                                |        |        |        |         |          |          |         |             |         |
| Wetlands                                | 0.58   |        |        |         |          |          |         |             |         |
| Slough                                  |        |        |        |         |          |          |         |             |         |
| Prairie Pothole                         |        |        |        |         |          |          |         |             |         |
| Wet Meadow                              |        |        |        |         |          |          |         |             |         |
| Playa Lake                              |        |        |        |         |          |          |         |             |         |
| Vernal Pool                             |        |        |        |         |          |          |         |             |         |
| Natural Pond                            |        |        |        |         |          |          |         |             |         |
| Other Water (identify type)             |        |        |        |         |          |          |         |             |         |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup>  | If Known |    | If Unknown<br>Use Best Professional Judgment |                       |                                |
|---|----------|----|--|-----------------------|--------------------------------|
|   | Yes      | No | Predicted to Occur                           | Not Expected to Occur | Not Able to Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  |          |    | X  |                       |                                |
| Is or would be used as habitat by other migratory birds that cross state lines? |          |    | X  |                       |                                |
| Is or would be used as habitat for endangered species?                          |          |    | X  |                       |                                |
| Is used to irrigate crops sold in interstate commerce?                          |          | X  |  |                       |                                |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

**CENAN-OP-R**  
**APPLICATION NO. 2003-01365**

**ADDITIONAL INFORMATION SUPPORTING NJD**

**1. Site Conditions: Undeveloped**

Total acreage of site: 186.8 acres

The jurisdictional waters on site consist of (check as many as are appropriate):

X\_ Pond \_\_\_ Lake \_\_\_ Stream \_\_\_ X\_ Wetlands\* \_\_\_ Tidal Waters \_\_\_ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PF01, PEM, PSS, PUB

Total acres of jurisdictional waters on site: 35.59 acres.

Position of jurisdictional waters in landscape and watershed: Located adjacent to the Hudson River.

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Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

**2. Rationale Used To Determine NJD:**

Isolated, intra-state water # B

The NJD aquatic resources on site consist of (check as many as are appropriate):

\_\_\_ Pond \_\_\_ Lake \_\_\_ Stream X\_ Wetlands\* \_\_\_ Tidal Waters \_\_\_ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PF01

Acres of this NJD aquatic resource within property: 0.07 acres

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

No visible surface water connection was noted entering or exiting this area, and is approximately 110 feet from Wetland AW.

The aquatic resource X\_ is \_\_\_ is not located completely within the project site.

The aquatic resource \_\_\_ is X\_ is not connected to waters of the U.S. by X\_ a surface channel

X\_ underground culvert \_\_\_ other means (identify) by which water could flow between the two:

The aquatic resource \_\_\_ is X\_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # E

The NJD aquatic resources on site consist of (check as many as are appropriate):

\_\_\_ Pond \_\_\_ Lake \_\_\_ Stream X\_ Wetlands\* \_\_\_ Tidal Waters \_\_\_ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PF01

Acres of this NJD aquatic resource within property: 0.09 acres

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

No visible surface water connection was noted entering or exiting this area. This area is a small depression banked up against North River Road.

The aquatic resource X\_ is \_\_\_ is not located completely within the project site.

The aquatic resource \_\_\_ is X\_ is not connected to waters of the U.S. by X\_ a surface channel

X\_ underground culvert \_\_\_ other means (identify) by which water could flow between the two:

The aquatic resource \_\_\_ is X\_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # F

The NJD aquatic resources on site consist of (check as many as are appropriate):

\_\_\_ Pond \_\_\_ Lake \_\_\_ Stream X\_ Wetlands\* \_\_\_ Tidal Waters \_\_\_ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PF01, PUB

Acres of this NJD aquatic resource within property: 0.42 acres

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

No visible surface water connection was noted entering or exiting this area. Uplands are located between this wetland and Wetland AW, approximately 150 feet to the east, and Wetland H, approximately 500 feet to the north.

The aquatic resource X\_ is \_\_\_ is not located completely within the project site.

The aquatic resource \_\_\_ is X\_ is not connected to waters of the U.S. by X\_ a surface channel

X\_ underground culvert \_\_\_ other means (identify) by which water could flow between the two:

The aquatic resource \_\_\_ is X\_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

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**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2004-00511

**DATE OF DETERMINATION:** June 20, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N **Date:**

At the project site Y **Date:** 6/8/04, 12/9/04  
(Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York

County: Schenectady

Center coordinates of site by latitude & longitude coordinates: lat:42-49-15.9960 lon:73-52-28.9920

Approximate size of site/property (including uplands) in acres 12.4

Name of waterway or watershed: Unnamed Tributary

| Type of Aquatic Resource <sup>1</sup> : | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear Feet | Unknown |
|---|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake                                    |        |        |        |         |          |          |         |             |         |
| River                                   |        |        |        |         |          |          |         |             |         |
| Stream                                  |        |        |        |         |          |          |         |             |         |
| Mudflat                                 |        |        |        |         |          |          |         |             |         |
| Sandflat                                |        |        |        |         |          |          |         |             |         |
| Wetlands                                | 0.12   |        |        |         |          |          |         |             |         |
| Slough                                  |        |        |        |         |          |          |         |             |         |
| Prairie Pothole                         |        |        |        |         |          |          |         |             |         |
| Wet Meadow                              |        |        |        |         |          |          |         |             |         |
| Playa Lake                              |        |        |        |         |          |          |         |             |         |
| Vernal Pool                             |        |        |        |         |          |          |         |             |         |
| Natural Pond                            |        |        |        |         |          |          |         |             |         |
| Other Water (identify type)             |        |        |        |         |          |          |         |             |         |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup>  | If Known |    | If Unknown<br>Use Best Professional Judgment |                       |                                |
|---|----------|----|--|-----------------------|--------------------------------|
|   | Yes      | No | Predicted to Occur                           | Not Expected to Occur | Not Able to Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  | X        |    |  |                       |                                |
| Is or would be used as habitat by other migratory birds that cross state lines? | X        |    |  |                       |                                |
| Is or would be used as habitat for endangered species?                          |          |    |  | X                     |                                |
| Is used to irrigate crops sold in interstate commerce?                          |          | X  |  |                       |                                |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R  
APPLICATION NO. 2004-00511

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 12.4

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): ☐

\* If wetlands are present, indicate Cowardin classification: PFO/PSS

Total acres of jurisdictional waters on site: 2.23

Position of jurisdictional waters in landscape and watershed:

Wetlands are associated with a tributary system to the Mohawk River

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Undisturbed, forested land surrounded by residential development

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): ☐

\* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.02

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

The wetland is approximately 125 feet from the nearest waters of the United States, the soils, hydrology and vegetative community are similar to that of the jurisdictional waters on the site. No direct hydrologic connection was observed between the wetland and other waters of the United States.

The aquatic resource X is    is not located completely within the project site.

The aquatic resource    is X is not connected to waters of the U.S. by    a surface channel

   underground culvert    other means (identify) by which water could flow between the two:

The aquatic resource    is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 2

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): ☐

\* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.01

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

The wetland is approximately 100 feet from the nearest waters of the United States, the soils, hydrology and vegetative community are similar to that of the jurisdictional waters on the site. No direct hydrologic connection was observed between the wetland and other waters of the United States.

The aquatic resource X is    is not located completely within the project site.

The aquatic resource    is X is not connected to waters of the U.S. by    a surface channel

   underground culvert    other means (identify) by which water could flow between the two:

The aquatic resource    is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

**CENAN-OP-R**  
**APPLICATION NO. 2004-00511**

Isolated, intra-state water # 3

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PSS \_\_\_\_\_

Acres of this NJD aquatic resource within property: 0.09 \_\_\_\_\_

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

The wetland is approximately 50 feet from the nearest waters of the United States, the soils, hydrology and vegetative community are similar to that of the jurisdictional waters on the site. No direct hydrologic connection was observed between the wetland and other waters of the United States.

The aquatic resource X is    is not located completely within the project site.

The aquatic resource    is X is not connected to waters of the U.S. by    a surface channel

   underground culvert    other means (identify) by which water could flow between the two:

The aquatic resource    is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2004-00919

**DATE OF DETERMINATION:** June 20, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N **Date:**  
 At the project site Y **Date:** August 24, 2004  
 (Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York

County: Orange

Center coordinates of site by latitude & longitude coordinates: lat:41-25-14.5560 lon:74-26-27.8160

Approximate size of site/property (including uplands) in acres 72.64

Name of waterway or watershed: Unnamed Tributary

| Type of Aquatic Resource <sup>1</sup> : | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear Feet | Unknown |
|---|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake                                    |        |        |        |         |          |          |         |             |         |
| River                                   |        |        |        |         |          |          |         |             |         |
| Stream                                  |        |        |        |         |          |          |         |             |         |
| Mudflat                                 |        |        |        |         |          |          |         |             |         |
| Sandflat                                |        |        |        |         |          |          |         |             |         |
| Wetlands                                |        |        |        |         |          |          |         |             |         |
| Slough                                  |        |        |        |         |          |          |         |             |         |
| Prairie Pothole                         |        |        |        |         |          |          |         |             |         |
| Wet Meadow                              |        |        |        |         |          |          |         |             |         |
| Playa Lake                              |        |        |        |         |          |          |         |             |         |
| Vernal Pool                             | 0.06   |        |        |         |          |          |         |             |         |
| Natural Pond                            |        |        |        |         |          |          |         |             |         |
| Other Water (identify type)             |        |        |        |         |          |          |         |             |         |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup>  | If Known |    | If Unknown<br>Use Best Professional Judgment |                       |                                |
|---|----------|----|--|-----------------------|--------------------------------|
|   | Yes      | No | Predicted to Occur                           | Not Expected to Occur | Not Able to Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  |          |    | X  |                       |                                |
| Is or would be used as habitat by other migratory birds that cross state lines? |          |    | X  |                       |                                |
| Is or would be used as habitat for endangered species?                          |          |    |  | X                     |                                |
| Is used to irrigate crops sold in interstate commerce?                          |          | X  |  |                       |                                |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):



**CENAN-OP-R**  
**APPLICATION NO. 2004-00919**

**ADDITIONAL INFORMATION SUPPORTING NJD**

**1. Site Conditions:**

Total acreage of site: 72.64

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO, PEM

Total acres of jurisdictional waters on site: 15.74

Position of jurisdictional waters in landscape and watershed:

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

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**2. Rationale Used To Determine NJD:**

Isolated, intra-state water # 1 (C)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.06

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetland located approximately 100 feet from nearest waters of U.S. with no hydrologic connection.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2004-00894

**DATE OF DETERMINATION:** June 30, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office (Y/N)** N **Date:**

**At the project site (Y/N)** Y **Date:** September 14, 2005

**PROJECT LOCATION INFORMATION:**

State: New York

County: Saratoga

Center coordinates of site by latitude & longitude coordinates: lat:42-59-34.0080 lon:73-49-55.9920

Approximate size of site/property (including uplands) in acres 99.765

Name of waterway or watershed: Unnamed Tributary to Drummond Creek

| Type of Aquatic Resource <sup>1</sup> : | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear Feet | Unknown |
|---|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake                                    |        |        |        |         |          |          |         |             |         |
| River                                   |        |        |        |         |          |          |         |             |         |
| Stream                                  |        |        |        |         |          |          |         |             |         |
| Mudflat                                 |        |        |        |         |          |          |         |             |         |
| Sandflat                                |        |        |        |         |          |          |         |             |         |
| Wetlands                                |        | 1.29   |        |         |          |          |         |             |         |
| Slough                                  |        |        |        |         |          |          |         |             |         |
| Prairie Pothole                         |        |        |        |         |          |          |         |             |         |
| Wet Meadow                              |        |        |        |         |          |          |         |             |         |
| Playa Lake                              |        |        |        |         |          |          |         |             |         |
| Vernal Pool                             |        |        |        |         |          |          |         |             |         |
| Natural Pond                            |        |        |        |         |          |          |         |             |         |
| Other Water (identify type)             |        |        |        |         |          |          |         |             |         |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup>  | If Known |    | If Unknown<br>Use Best Professional Judgment |                       |                                |
|---|----------|----|--|-----------------------|--------------------------------|
|   | Yes      | No | Predicted to Occur                           | Not Expected to Occur | Not Able to Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  |          |    | X  |                       |                                |
| Is or would be used as habitat by other migratory birds that cross state lines? |          |    | X  |                       |                                |
| Is or would be used as habitat for endangered species?                          |          |    |  | X                     |                                |
| Is used to irrigate crops sold in interstate commerce?                          |          |    |  | X                     |                                |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

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APPLICATION NO. 2004-00894

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 99.765 acres

The jurisdictional waters on site consist of (check as many as are appropriate):

☒ Pond ☐ Lake ☒ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PFO/PEM

Total acres of jurisdictional waters on site: 22.963

Position of jurisdictional waters in landscape and watershed:

The jurisdictional waters on the site consist of groundwater slope wetlands and a pond contiguous with various intermittent tributaries to Drummond Creek and Mourning Kill, and are located along broad swales in between upland ridges within the headwaters of

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

Most of the site is currently, or has historically been in agricultural use.

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1 (Wetlands W-6)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.150

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetlands W-6 is located within a depressional area adjacent to a hedgerow in the corner of an agricultural field. This wetland is located approximately 300 feet from Wetlands W-2, which is a jurisdictional wetland on the site, and 600 feet from an intermittent stream that is contiguous with Wetlands W-2. Wetlands W-6 is approximately 15 feet higher in elevation than Wetlands W-2, and has similar soils.

The aquatic resource XX is ☐ is not located completely within the project site.

The aquatic resource ☐ is XX is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is XX is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water #2 (Wetlands W-7)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.190

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetlands W-7 is located within a depressional area within an agricultural field. This wetland is located approximately 250 feet from Wetlands W-2, which is a jurisdictional wetland on the site, and 800 feet from an intermittent stream that is contiguous with Wetlands W-2. Wetlands W-7 is approximately 10 feet higher in elevation than Wetlands W-2, and has similar soils.

The aquatic resource XX is ☐ is not located completely within the project site.

The aquatic resource ☐ is XX is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is XX is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

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APPLICATION NO. 2004-00894

Isolated, intra-state water #3 (Wetlands W-8)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.789

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetlands W-8 is located within a depressional area within an agricultural field. This wetland is located approximately 400 feet from Wetlands W-2, which is a jurisdictional wetland on the site, and 900 feet from an intermittent stream that is contiguous with Wetlands W-2. Wetlands W-8 is approximately 10 feet higher in elevation than Wetlands W-2, and has similar soils.

The aquatic resource XX is ☐ is not located completely within the project site.

The aquatic resource ☐ is XX is not connected to waters of the U.S. by ☐ a surface channel  
☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is XX is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water #4 (Wetlands W-9)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PEM/PSS

Acres of this NJD aquatic resource within property: 0.161

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetlands W-9 is located within a depressional area adjacent to a hedgerow in the corner of an agricultural field. This wetland is located approximately 200 feet from Wetlands W-2, which is a jurisdictional wetland on the site, and 550 feet from an intermittent stream that is contiguous with Wetlands W-2. Wetlands W-9 is approximately 10 feet higher in elevation than Wetlands W-2, and has similar soils.

The aquatic resource XX is ☐ is not located completely within the project site.

The aquatic resource ☐ is XX is not connected to waters of the U.S. by ☐ a surface channel  
☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is XX is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2004-01158

**DATE OF DETERMINATION:** June 30, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) **N** **Date:**

At the project site **Y** **Date:** November 18, 2005  
(Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York

County: Columbia

Center coordinates of site by latitude & longitude coordinates: lat:42-14-48.0120 lon:73-38-31.9920

Approximate size of site/property (including uplands) in acres: 69.36

Name of waterway or watershed: Unnamed Tributary

| Type of Aquatic Resource <sup>1</sup> : | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear Feet | Unknown |
|---|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake                                    |        |        |        |         |          |          |         |             |         |
| River                                   |        |        |        |         |          |          |         |             |         |
| Stream                                  |        |        |        |         |          |          |         |             |         |
| Mudflat                                 |        |        |        |         |          |          |         |             |         |
| Sandflat                                |        |        |        |         |          |          |         |             |         |
| Wetlands                                | 0.293  |        |        |         |          |          |         |             |         |
| Slough                                  |        |        |        |         |          |          |         |             |         |
| Prairie Pothole                         |        |        |        |         |          |          |         |             |         |
| Wet Meadow                              |        |        |        |         |          |          |         |             |         |
| Playa Lake                              |        |        |        |         |          |          |         |             |         |
| Vernal Pool                             |        |        |        |         |          |          |         |             |         |
| Natural Pond                            |        |        |        |         |          |          |         |             |         |
| Other Water (identify type)             |        |        |        |         |          |          |         |             |         |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup>  | If Known |    | If Unknown<br>Use Best Professional Judgment |                       |                                |
|---|----------|----|--|-----------------------|--------------------------------|
|   | Yes      | No | Predicted to Occur                           | Not Expected to Occur | Not Able to Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  | X        |    |  |                       |                                |
| Is or would be used as habitat by other migratory birds that cross state lines? | X        |    |  |                       |                                |
| Is or would be used as habitat for endangered species?                          |          |    |  | X                     |                                |
| Is used to irrigate crops sold in interstate commerce?                          |          | X  |  |                       |                                |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved **X**

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

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**APPLICATION NO. 2004-01158**

**ADDITIONAL INFORMATION SUPPORTING NJD**

1. Site Conditions:

Total acreage of site: 69.36

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type):           

\* If wetlands are present, indicate Cowardin classification: PFO/PSS/PEM

Total acres of jurisdictional waters on site: 2.97

Position of jurisdictional waters in landscape and watershed:

Wetlands on west portion of the property drain to Summit Lake. Wetlands on the east portion of the property drain to an unnamed tributary to Agawamuck Creek. Drainage from these water bodies ultimately discharge to the Hudson River, a navigable waterway.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):            Surrounding land use includes a mix of residential development (Phase 1 of Summit Heights), Summit Lake, and undeveloped forested land.

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ (Ephemeral) Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type):           

\* If wetlands are present, indicate Cowardin classification: PEM and PFO

Acres of this NJD aquatic resource within property: 0.293

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetland 6 and 9 are connected via Ephemeral Stream 3. Wetland 6 has developed within a rough graded road. Ephemeral Stream 3 drains west out of Wetland 6 into Wetland 9. Wetland 9 has no discernable outlet. Upland soils and vegetation encompass Wetland 9. The nearest jurisdictional waters of the United States to these waters is Wetland 10 which is located approximately 125 feet southwest of Wetland 9.

The aquatic resource X is            is not located completely within the project site.

The aquatic resource            is X is not connected to waters of the U.S. by            a surface channel

           underground culvert            other means (identify) by which water could flow between the two:

The aquatic resource            is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District

**FILE NUMBER:** 2005-00022

**DATE OF DETERMINATION:** June 30, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:  
 At the project site Y Date: April 8, 2005  
 (Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York

County: Schenectady

Center coordinates of site by latitude & longitude coordinates: lat:42-46-9.0120 lon:74-7-42.9960

Approximate size of site/property (including uplands) in acres 54.60

Name of waterway or watershed: Unnamed Tributary

| Type of Aquatic Resource <sup>1</sup> : | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear Feet | Unknown |
|---|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake                                    |        |        |        |         |          |          |         |             |         |
| River                                   |        |        |        |         |          |          |         |             |         |
| Stream                                  |        |        |        |         |          |          |         |             |         |
| Mudflat                                 |        |        |        |         |          |          |         |             |         |
| Sandflat                                |        |        |        |         |          |          |         |             |         |
| Wetlands                                |        |        | 4.54   |         |          |          |         |             |         |
| Slough                                  |        |        |        |         |          |          |         |             |         |
| Prairie Pothole                         |        |        |        |         |          |          |         |             |         |
| Wet Meadow                              |        |        |        |         |          |          |         |             |         |
| Playa Lake                              |        |        |        |         |          |          |         |             |         |
| Vernal Pool                             | 0.19   |        |        |         |          |          |         |             |         |
| Natural Pond                            |        |        |        |         |          |          |         |             |         |
| Other Water (identify type)             |        |        |        |         |          |          |         |             |         |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup>  | If Known |    | If Unknown<br>Use Best Professional Judgment |                       |                                |
|---|----------|----|--|-----------------------|--------------------------------|
|   | Yes      | No | Predicted to Occur                           | Not Expected to Occur | Not Able to Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  |          |    | X  |                       |                                |
| Is or would be used as habitat by other migratory birds that cross state lines? |          |    | X  |                       |                                |
| Is or would be used as habitat for endangered species?                          |          |    | X  |                       |                                |
| Is used to irrigate crops sold in interstate commerce?                          |          | X  |  |                       |                                |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

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APPLICATION NO. 2005-00022

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 54.60

The jurisdictional waters on site consist of (check as many as are appropriate):

   Pond    Lake   X   Stream   X   Wetlands\*    Tidal Waters    Other (identify type):   

\* If wetlands are present, indicate Cowardin classification:   PFO/PSS  

Total acres of jurisdictional waters on site: 4.17

Position of jurisdictional waters in landscape and watershed:

   Wetlands on the site drain to unnamed tributaries to the Normans Kill, which ultimately discharges into the Hudson River, a navigable waterway.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):    The site is comprised of forested and scrub-shrub uplands and wetlands. Some sections of the property have been logged within the past year. A stone quarry is present within the eastern portion of the site.

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1

The NJD aquatic resources on site consist of (check as many as are appropriate):

   Pond    Lake    Stream   X   Wetlands\*    Tidal Waters    Other (identify type):   

\* If wetlands are present, indicate Cowardin classification:   PFO  

Acres of this NJD aquatic resource within property: 0.69

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

   Wetland 2 is approximately 700 feet from the Normans Kill. No connection between Wetland 2 and the Normans Kill or other waters of the United States was observed. Upland Vegetation and soils encompass Wetland 2. An upland break separates Wetland 2 from Wetland 3.

The aquatic resource    is   X   is not located completely within the project site.

The aquatic resource    is   X   is not connected to waters of the U.S. by    a surface channel  
   underground culvert    other means (identify) by which water could flow between the two:

The aquatic resource    is   X   is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 2

The NJD aquatic resources on site consist of (check as many as are appropriate):

   Pond    Lake    Stream   X   Wetlands\*    Tidal Waters    Other (identify type):   

\* If wetlands are present, indicate Cowardin classification:   PFO  

Acres of this NJD aquatic resource within property: 3.46

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

   Wetland 1 is approximately 600 feet from the Normans Kill. No connection between Wetland 3 and the Normans Kill or other waters of the United States was observed. Upland Vegetation and soils encompass Wetland 3. An upland break separates Wetland 3 from Wetlands 1 and 2.

The aquatic resource   X   is    is not located completely within the project site.

The aquatic resource    is   X   is not connected to waters of the U.S. by    a surface channel  
   underground culvert    other means (identify) by which water could flow between the two:

The aquatic resource    is   X   is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.



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Isolated, intra-state water # 3

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands\* ☐ Tidal Waters ☐ Other (identify type): \_\_\_\_\_

\* If wetlands are present, indicate Cowardin classification: PSS

Acres of this NJD aquatic resource within property: 0.39

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetland 5 is approximately 475 feet from the Normans Kill. No connection between Wetland 5 and the Normans Kill or other waters of the United States was observed. Upland vegetation and soils encompass Wetland 5. An upland break separates Wetland 5 from Wetland 4. Wetland 5 drains into a barrow pit which appears to be associated with the construction of the Delaware and Hudson Railroad. No wetland areas, watercourses or other connections to the Normans Kill were observed in this area.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water #s 4 and 5

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☐ Wetlands\* ☐ Tidal Waters X Other (identify type): Vernal pool ☐

\* If wetlands are present, indicate Cowardin classification: PSS

Acres of this NJD aquatic resource within property: 0.06 and 0.13

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetlands 6 and 7 are small depressional wetlands that appear to function as vernal pools. Non-hydric soils and upland vegetation encompass both areas. No discernable inlet or outlet was observed within either area.

Wetlands 6 and 7 are approximately 150 and 500 feet, respectively, from the nearest waters of the United States.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.